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APR 22 1994

April 22, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Amendment of Table Of FM Allotments
Key Colony Beach, Key Largo, and
Marathon, Florida
(MM Docket No. 93-136;
RM-8161 and RM-8310)

Dear Mr. Caton:

Submitted herewith for filing, on behalf of our client,
Spanish Broadcasting System of Florida, Inc., licensee of Radio
Station WZMQ(FM), Key Largo, Florida, are an original and four
copies of its Erratum to the Contingent Opposition to
Supplemental Joint Comments which it filed on April 15, 1994 in
the above-referenced FM channel allotment rulemaking proceeding.

Please direct any inquiries concerning this submission to
the undersigned.

Respectfully submitted,

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER

By:

James M. Weitzman

Enclosure

DOC #12101169

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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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COMMUNICATIONS SECTION

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. 93-136
Of the Commission Rules)	RM-8161
Table of Allotments)	RM-8310
FM Broadcast Stations)	
(Key Colony Beach, Key Largo)	
and Marathon, Florida))	

TO: Chief, Allocations Branch
Mass Media Bureau

ERRATUM
TO
CONTINGENT OPPOSITION TO SUPPLEMENTAL JOINT COMMENTS

SPANISH BROADCASTING SYSTEM OF FLORIDA, INC. ("SBS"), licensee of Radio Station WZMQ(FM), Key Largo, Florida, by its attorneys, pursuant to Section 1.45(a) of the Commission's Rules, hereby respectfully submits this Erratum to its April 15, 1994 Contingent Opposition with respect to the Supplemental Joint Comments filed in this proceeding on March 7, 1994, on behalf of Okeechobee Broadcasters, Inc. ("OBI"), licensee of Radio Station WOKC-FM, Indiantown, Florida; Sunshine Broadcasting, Inc. ("Sunshine"), licensee of Radio Station WSUV(FM), Fort Myers Villas, Florida; and Jupiter Broadcasting Corporation ("JBC"), permittee of Radio Station WADY(FM), Jupiter, Florida (collectively "Commenters").

Due to an inadvertent copying error, an incorrect Figure 1 and P.6 to the Engineering Statement of Herman E. Hurst, Jr. was contained as part of the pleading. In Mr. Hurst's erratum, attached hereto, he submits a corrected Figure 1 (map) and a

corrected page 6. A corrected page 8 of the Contingent Opposition, which makes reference to the Engineering Statement Figure 1, is also attached.

We regret the error.

Respectfully submitted,

SPANISH BROADCASTING SYSTEM
OF FLORIDA, INC.

By: 
James M. Weitzman

By: 
Irving Gastfreund

Kaye, Scholer, Fierman, Hays & Handler
901 15th Street, N.W.
Suite 1100
Washington, D.C. 20005
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Its Attorneys

April 22, 1994

the Engineering Statement of Herman E. Hurst, Jr., of the firm of Carl T. Jones Corporation, consulting radio engineers to SBS. As is shown in Mr. Hurst's Engineering Statement, the reference coordinates for the Punta Rassa site upon which the Commenters now rely are slightly off the Punta Rassa shoreline and are actually located in the water in San Carlos Bay, Florida. As shown above, the Commission has recently reaffirmed that:

"Generally speaking, examples of unsuitable allotment reference sites include those which are offshore"

Amendment of the Commission's Rules to Permit FM Channel And Class Modifications By Application, supra, 73 RR 2d at 250 n. 19.

Mr. Hurst further notes in his annexed Engineering Statement that the simple reason that the reference coordinates relied upon by the Commenters stands as the allotment reference point for Channel 249A in Punta Rassa, Florida (a vacant channel) is that those reference coordinates were unopposed in MM Docket No. 87-169, in which the Punta Rassa channel was allotted, and the unsuitability of the coordinates was not brought to the Commission's attention in that proceeding. Indeed, as noted by Mr. Hurst, there are four pending applications for the Punta Rassa, Florida allotment, and yet not a single one of the four applications has proposed using the Punta Rassa reference point as its site. In fact, as Mr. Hurst's Engineering Statement and the attachments thereto demonstrate, all of the Punta Rassa applicants have chosen mainland or Pine Island transmitter sites. Furthermore, Mr. Hurst notes that, according to the most recent antenna tower database, there are no existing towers on Punta which are

CARL T. JONES
CORPORATION

ERRATUM TO
STATEMENT OF HERMAN E. HURST, JR.
IN SUPPORT OF A
REPLY TO SUPPLEMENTAL JOINT COMMENTS
IN MM DOCKET NO. 93-136

Prepared for: Spanish Broadcasting Systems of Florida, Inc.

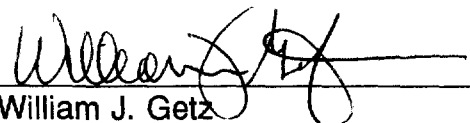
I am a Radio Engineer, an employee in the firm of Carl T. Jones Corporation, with offices located in Springfield, Virginia.

This office has been authorized by Spanish Broadcasting Systems of Florida, Inc. ("SBS"), licensee of WZMQ(FM), Key Largo, Florida, to prepare this statement, a corrected page, and supporting figure to correct an exhibit contained in the engineering statement supporting its Reply to Supplemental Joint Comments in MM Docket No. 93-136.

Due to an inadvertent copying error, the map attached to the statement dated April 15, 1994, was not the correct exhibit. The correct exhibit, Figure 1, is attached. The exhibit depicts the Ft. Myers Villas Channel 275C2 fully-spaced permissible site area in relationship to the Punta Rassa Channel 249A allotment reference site and the proposed sites of the four pending applications for the vacant Punta Rassa allotment. The corrected page, no. 6, tracks the corrected Figure 1.

This statement and the correct Figure 1 attached were prepared by me or under my direction and are believed to be true and correct.

DATED: April 21, 1994


William J. Getz

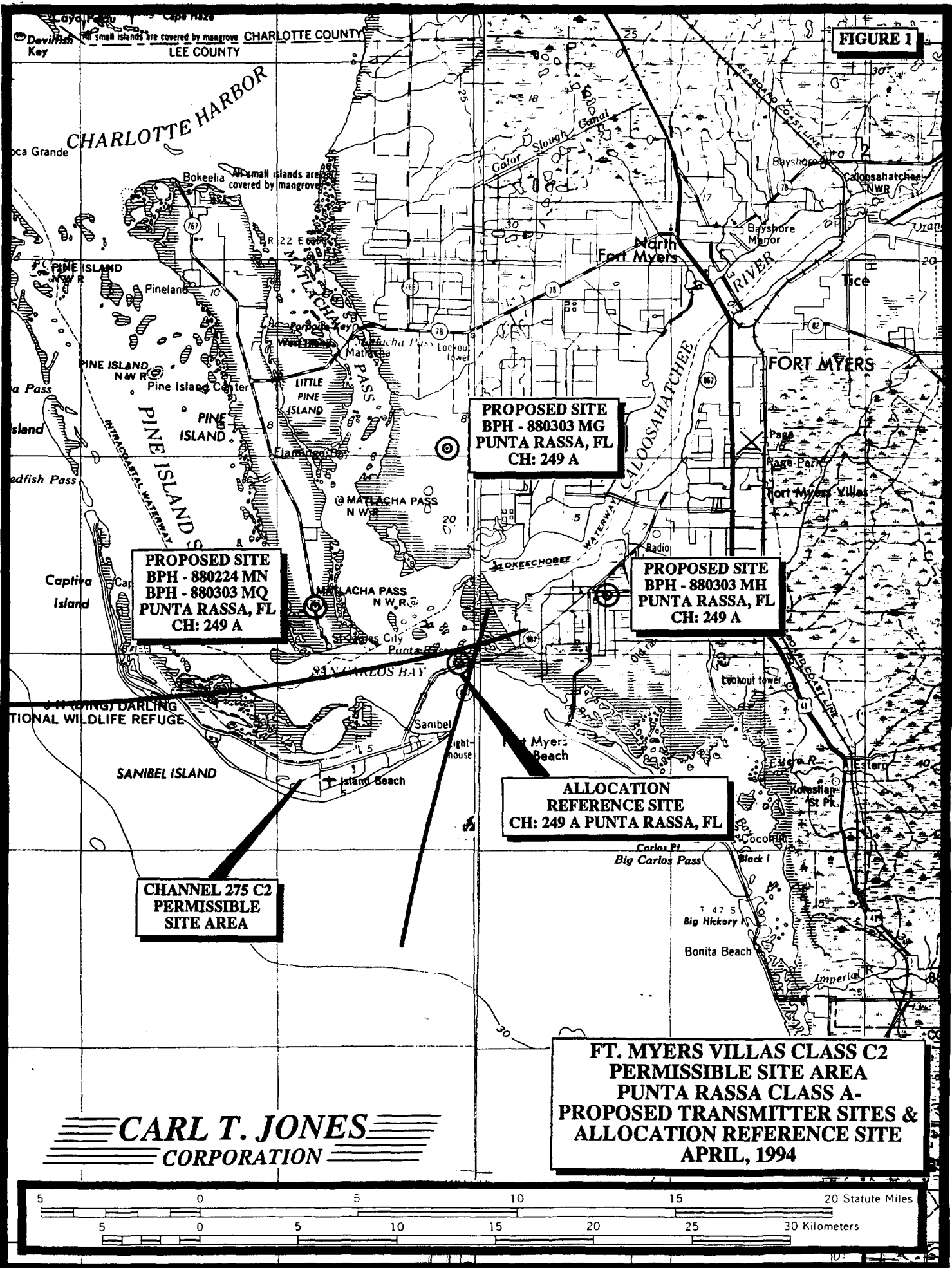
STATEMENT OF HERMAN E. HURST, JR.
REPLY TO SUPPLEMENTAL JOINT COMMENTS
MM DOCKET NO. 93-136
PAGE 6

The simple reason that the site stands as the allotment reference site for the Punta Rassa Class A FM facility is that the reference coordinates were unopposed in MM Docket 87-169, and the unsuitability of the site was not brought to the Commission's attention.

Four applications were tendered for the Punta Rassa allotment. Each of the Punta Rassa proposed site locations, the Punta Rassa allotment reference point, and the Fort Myers Villas permissible site area are depicted on Figure 1. It is notable that none of the Punta Rassa Channel 249A applicants applied at or even in the near vicinity of the Punta Rassa reference point; all four applications are sited on the mainland and Pine Island. As mentioned above, the reference point is under water; and as to the tiny remaining area on Punta Rassa that is within the FM Fort Myers Villas site area, there are no existing towers according to the most recent antenna tower database. New tower construction is not feasible due to environmental and local permit restraints.

Based on telephone conversations with Robert Reppening of the Florida Department of Environmental Protection on April 5, 1994, and Kim Dryden of the Florida Game and Fresh Water Fish Commission on April 7, 1994, a permit seeking authority to construct a tower along the shore of Punta Rassa would be opposed due to the negative impact upon bird migration routes (which follow the shoreline), proximity to existing eagle nests, and disruption of Mangrove swamp areas.

FIGURE 1



CERTIFICATE OF SERVICE

I, Toni R. Daluge, a secretary to the law firm of Kaye, Scholer, Fierman, Hays & Handler, hereby certify that I have this 22nd day of April, 1994, sent copies of the foregoing Erratum to Contingent Opposition To Supplemental Joint Comments via First-Class United States mail, postage prepaid, to the following:

Victoria MacCauley, Esq. *
Acting Chief, Allocation Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8322
Washington, D.C. 20554

Ms. Nancy J. Walls,
Communications Industry Analyst *
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Toni R. Daluge

* Via Hand-Delivery
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